



One Hundred Ninth Congress  
U.S. House of Representatives  
Committee on Homeland Security  
Washington, DC 20515  
March 9, 2005

The Honorable Michael Chertoff  
Secretary  
Department of Homeland Security  
Washington, D.C. 20528

Dear Secretary Chertoff:

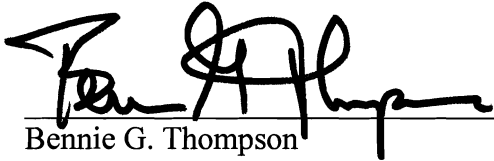
We would like to offer our congratulations on your appointment as Secretary, and to bring to your attention a matter which has yet to be addressed by the Department of Homeland Security (DHS). Specifically, we are writing to express our continuing concern over the numerous deadlines the Department has missed in issuing reports required by statute, Congressional request, or presidential directive. Of the reports yet to be issued, several are critical to "mapping out" the government's strategy in key homeland security areas, such as:

- New funding baseline for Deepwater (due - with the submission of Fiscal Year 2006 budget request; *Homeland Security Appropriations Act for Fiscal Year 2005*)
- Submission of Design of Maritime Transportation Security Grant Program report (due - November 9, 2004; *Coast Guard and Maritime Transportation Act of 2004*)
- Final National Infrastructure Protection Plan (due - December 17, 2004; *Homeland Security Presidential Directive 7*)
- Report outlining implementation of the entry and exit system (due - December 31, 2004; *The Immigration and Naturalization Service Data Management Improvement Act of 2000*)
- Report on the status of IDENT/IAFIS interoperability project (due - January 14, 2005; *Homeland Security Appropriations Act FY05*)

There are several other required reports that we have not been able to verify have been issued by the Department or its legacy agencies. Despite repeated requests by our staff, we have not been able to obtain copies of these reports from the Department. Therefore, we ask that you ensure copies of completed reports from the attached list are provided to the Committee promptly. Finally, we have included a list of pending reports, deadlines and sources requiring these reports, which are of significant interest to the Committee, and we request copies of these when they are issued.

Our staff contact for this matter is Carla Buckner, and she can be reached at 202-226-2616. Again, congratulations and we look forward to working with you to strengthen the Department of Homeland Security.

Sincerely,

A handwritten signature in black ink, appearing to read "Bennie G. Thompson", written over a horizontal line.

Bennie G. Thompson  
Ranking Member

A handwritten signature in black ink, appearing to read "Kendrick B. Meek", written over a horizontal line.

Kendrick B. Meek  
Ranking Member  
Subcommittee on Management, Integration,  
and Oversight

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## **Department of Homeland Security – Overdue and Pending Responsibilities**

### ***Port Security Issues***

#### **Overdue Items (11)**

Report on Design of Maritime Transportation Security Grant Program (due –November 9, 2004; *Sec. 804, Coast Guard and Maritime Transportation Act of 2004*)

Report on Maritime Information Plan (due – November 9, 2004; *Sec. 803, Coast Guard and Maritime Transportation Act of 2004*)

Completion of Port Facility and Vessel Vulnerability Assessments (due – December 31, 2004; *Sec. 4072, Intelligence Reform and Terrorism Prevention Act of 2004*)

Report on new funding baseline for Deepwater (due – with submission of FY06 budget request; *FY05 Homeland Security Appropriations Act*)

Report on cargo container security (due – February 8, 2005; *FY05 Homeland Security Appropriations Act*)

Completion of Vulnerability Assessment of Nuclear Facilities Adjacent to U.S. Waters (due – February 9, 2005; *Sec. 805, Coast Guard and Maritime Transportation Act of 2004*)

Report on Joint Operation Center (due – February 9, 2005; *Sec. 807, Coast Guard and Maritime Transportation Act of 2004*)

Report on vessel and intermodal security (due – February 9, 2005; *Sec. 809, Coast Guard and Maritime Transportation Act of 2004*)

Report on evaluation of cargo inspection targeting system for international cargo containers (due – February 9, 2005; *Sec. 809, Coast Guard and Maritime Transportation Act of 2004*)

Report on Maritime Transportation Security Plan (due – February 9, 2005; *Sec. 809, Coast Guard and Maritime Transportation Act of 2004*)

Report on foreign vessel security plan oversight (due – March 1, 2005; *FY05 Homeland Security Appropriations Act*)

#### **Pending Items (4)**

Strategic Plan report on Maritime Transportation Security (due – March 17, 2004; *Sec. 4072, Intelligence Reform and Terrorism Prevention Act of 2004*)

Report on Secure System of Transportation (due – March 17, 2004; *Sec. 4072, Intelligence Reform and Terrorism Prevention Act of 2004*)

Annual report on International and Maritime Port Security (due – March 17, 2004; *Sec. 4072, Intelligence Reform and Terrorism Prevention Act of 2004*)

Completion of National Maritime Transportation Security Plan (due – April 1, 2005; *Sec. 4072, Intelligence Reform and Terrorism Prevention Act of 2004*)

### ***Aviation Issues***

#### **Overdue Items (5)**

Completion and deployment of risk-based air cargo screening system (due - October 1, 2004; *FY05 Congressional Budget Justification Book*)

Completion and deployment of Automated Known Shipper Database (due - October 1, 2004; *FY05 Congressional Budget Justification Book*)

TSA report on the agency's pilot programs to screen passengers and carry-on baggage for explosives (due - February 10, 2005; *FY05 Homeland Security Appropriations Act*)

Notice of Proposed Rulemaking to be issued by TSA re: allowing passenger name check before takeoff for international flights (due – February 15, 2005; *Sec. 4012, 2004 Intelligence Reform and Terrorism Prevention Act*)

DHS report on restoring general aviation access to Ronald Reagan Washington National Airport (due - March 1, 2005; *FY05 Homeland Security Appropriations Act*)

#### **Pending Items (19)**

TSA report on plan for usage of airport explosive detection equipment to screen individuals and their personal property (due - March 27, 2005; *Sec. 4013, 2004 Intelligence Reform and Terrorism Prevention Act*)

Aviation security staffing report (due – March 27, 2005; *Sec. 4023, 2004 Intelligence Reform and Terrorism Prevention Act*)

Pilot program to deploy and test advanced airport checkpoint screening devices and technology at five airports (due - March 31, 2005; *Sec. 4014, 2004 Intelligence Reform and Terrorism Prevention Act*)

TSA report on personnel policies for TSA screeners – especially EEO and veterans preference (due - March 31, 2005; *FY05 Homeland Security Appropriations Act*)

Guidance report on integrated airport biometrics in airport access control systems (due - March 31, 2005; *Sec. 4011, 2004 Intelligence Reform and Terrorism Prevention Act*)

TSA development of law enforcement officer travel credential (due - April 16, 2005; *Sec. 4011, 2004 Intelligence Reform and Terrorism Prevention Act*)

DHS Privacy Officer report on impact of the automatic selectee and no-fly lists on privacy and civil liberties (due - June 15, 2005; *Sec. 4012, 2004 Intelligence Reform and Terrorism Prevention Act*)

Report on the viability of providing devices or methods, including wireless methods, to enable a flight crew to discreetly notify the pilot in the case of a security breach or safety issue occurring in the cabin (due – June 15, 2005; *Sec. 4021, Intelligence Reform and Terrorism Prevention Act*)

Report on “human factor improvement” of TSA screener performance (due – June 15, 2005; *Sec. 4015, 2004 Intelligence Reform and Terrorism Prevention Act*)

Report, including schedule, on installation of in-line baggage screening equipment and replacement of ETD with EDS (due – June 15, 2005; *Sec. 4019, 2004 Intelligence Reform and Terrorism Prevention Act*)

Report on viability of flight crew communications (due – June 15, 2005; *Sec. 4021, 2004 Intelligence Reform and Terrorism Prevention Act*)

Report on secondary flight deck barriers (due – June 15, 2005; *Sec. 4028, 2004 Intelligence Reform and Terrorism Prevention Act*)

Report on pilot program findings on blast-resistant cargo and baggage containers (due – June 15, 2005; *Sec. 4051, 2004 Intelligence Reform and Terrorism Prevention Act*)

DHS report on inbound all-cargo aircraft security (due – June 15, 2005; *Sec. 4054, 2004 Intelligence Reform and Terrorism Prevention Act*)

Standards for identification documents required of domestic commercial airline passengers for boarding an aircraft (due – June 2005; *Sec. 7220, 2004 Intelligence Reform and Terrorism Prevention Act*)

TSA assumption of aviation passenger prescreening and watchlist checks (due - July 1, 2005; *Sec. 4012, 2004 Intelligence Reform and Terrorism Prevention Act*)

TSA final rule to amend air cargo security (due – August 14, 2005; *Sec. 4053, 2004 Intelligence Reform and Terrorism Prevention Act*)

Report describing the Department’s progress on the development and implementation of the registered traveler program (due – December 2005; *Sec. 7208, 2004 Intelligence Reform and Terrorism Prevention Act*)

Report on MANPAD defenses (due – December 17, 2005; *Sec. 4026, 2004 Intelligence Reform and Terrorism Prevention Act*)

## ***Misc. Transportation Security Issues***

### **Pending Items (2)**

Initial strategy report for National Transportation Security [and modal security plans] (due - April 1, 2005, and annually thereafter; *Sec. 4001, 2004 Intelligence Reform and Terrorism Prevention Act*)

Updated versions of the National Strategy for Transportation Security (first update due – April 1, 2006, and every other year thereafter; *Sec. 4001, 2004 Intelligence Reform and Terrorism Prevention Act*)

## ***Emergency Preparedness and Response Issues***

### **Overdue Items (4)**

Report on the Emergency Preparedness and Response Directorate's emergency housing plan and its evaluation and deployment of these new housing solutions to the House and Senate Appropriations Committees (due – January 14, 2005; *FY05 Department of Homeland Security Appropriations Act*)

Report from the DHS Office of State and Local Government Coordination and Preparedness on the creation of the Rural Domestic Preparedness Consortium (due – January 15, 2005; *FY05 Department of Homeland Security Appropriations Act*)

Report by DHS Office of State and Local Government Coordination and Preparedness to state and local jurisdictions on nationally accepted preparedness levels of first responder capabilities (due – January 31, 2005; *FY05 Department of Homeland Security Appropriations Act*)

National preparedness goal (internal Executive Branch deadline for submission with DHS FY06 budget request, and should have been included in President's FY06 budget request submitted February, 2005; *Homeland Security Presidential Directive 8*)

### **Pending Items (10)**

Establishment of two pilot programs for interoperable communications in high threat urban areas or regions likely to implement a national model strategic plan (due – March 17, 2005; *Sec 7304, Intelligence Reform and Terrorism Prevention Act of 2004*)

Report including final guidance on the implementation of the National Preparedness Goal (due – March 31, 2005; *FY05 Department of Homeland Security Appropriations Act*)

Report on DHS plans for accelerating the development of national voluntary consensus standards for public safety interoperable communications, a schedule of milestones for such development, and achievements of such development (due – April 17, 2005; *Sec. 7303, Intelligence Reform and Terrorism Prevention Act of 2004*)

Interim report from the Secretary of DHS regarding the progress of the interagency communications pilot projects (due – June 17, 2005; *Sec 7304, Intelligence Reform and Terrorism Prevention Act of 2004*)

Study on the nationwide emergency notification system (due – September 17, 2005; *Sec 7403, Intelligence Reform and Terrorism Prevention Act of 2004*)

Report on moving warning systems into the modern digital age (due – September 17, 2005; *Sec 7404, Intelligence Reform and Terrorism Prevention Act of 2004*)

All Federal preparedness assistance must be predicated on statewide comprehensive all-hazards preparedness strategies, and adoption of those strategies will be required to receive Federal preparedness assistance at all levels of government (due – September 30, 2005; *Homeland Security Presidential Directive 8*)

Study by the Federal Communications Commission, in consultation with DHS and the National Telecommunications and Information Administration, assessing short-term and long-term needs for allocations of additional portions of the electromagnetic spectrum for federal, state, and local emergency response providers (due – December 17, 2005; *Sec 7502, Intelligence Reform and Terrorism Prevention Act of 2004*)

Final report from DHS regarding the progress of the interagency communications pilot projects. (due - June 17, 2006; *Sec 7304, Intelligence Reform and Terrorism Prevention Act of 2004*)

Establish a mechanism for coordinating cross-border interoperability issues between: (1) the United States and Canada; and (2) the United States and Mexico. (due – June 17, 2006; *Sec 7303, Intelligence Reform and Terrorism Prevention Act of 2004*)

### ***Science & Technology Issues***

#### **Overdue Items (2)**

CIO report on implementation of a DHS-wide Geospatial Information System (due - December 1, 2004; *Homeland Security Appropriations Act for FY05*)

Report on SAFETY Act process (due – January 1, 2005; *Homeland Security Appropriations Act for FY05*)

### ***Terrorist Screening & Intelligence Information Sharing Issues***

#### **Overdue Items (3)**

Information Sharing Strategy (due – February 11, 2004; *Sec. 893, Homeland Security Act of 2002; as amended by FY04 Intelligence Authorization Act*)

Report on a strategy to enhance the effectiveness of terrorist-related screening activities (due – November 11, 2004, *Homeland Security Presidential Directive 11*)

Plan prioritizing investment and implementation of terrorist-related screening (due - November 26, 2004, *Homeland Security Presidential Directive 11*)

#### Pending Items (9)

General requirements for Information Sharing Environment Program: appointment of program manager (due – April 16, 2005); Submission of preliminary report to Congress on the ISE (due – June 15, 2005); Issue guidelines on information handling, privacy protections, agency preparation (due – September 13, 2005); Presidential implementation plan report to Congress (due – December 17, 2005); first performance management report (due – December 17, 2006). *Sec. 1016, 2004 Intelligence Reform and Terrorism Prevention Act*)

NID report on the TSC consolidated screening watch list (due – June 15, 2005; *Sec. 4012, 2004 Intelligence Reform and Terrorism Prevention Act*)

Report from the Director of the National Counterterrorism Center on a strategy for combining terrorist travel databases (due – December 2005; *Sec. 7201, 2004 Intelligence Reform and Terrorism Prevention Act*)

Issuance of regulations (DOT, with DHS) establishing minimum standards for driver's licenses, including date after which no driver's license or personal identification card shall be accepted by a federal agency for any official purpose unless it conforms to specified minimum standards (due – June 2006; *Sec. 7212, 2004 Intelligence Reform and Terrorism Prevention Act*)

Issuance of security requirements to safeguard social security cards from counterfeiting, tampering alteration and theft, requirements for issuance of replacement cards and increased enforcement (due – June 2006; *Sec. 7213, 2004 Intelligence Reform and Terrorism Prevention Act*)

#### ***Critical Infrastructure Protection Issues***

##### Overdue Items (7)

Report by IAIP on development of written protocols, policies, and procedures governing the use of Protective Action funds (due - November 30, 2004; *FY05 Homeland Security Appropriations Act*)

Facilities improvement and housing plan for the DHS headquarters Nebraska Avenue Complex (due – December 1, 2004; *FY05 Homeland Security Appropriations Act*)

Report identifying all centralized services, activities, and programs supported through the Working Capital Fund (WCF) in FY04 and FY05 (due – December 1, 2004; *FY05 Homeland Security Appropriations Act*)



Final National Infrastructure Protection Plan (due – December 17, 2004; *Homeland Security Presidential Directive 7*)

Quarterly Sole-Source Contract Agreements Report by IAIP Under Secretary (due –January 31, 2005; *FY05 Homeland Security Appropriations Act*)

Federal Law Enforcement Training Center updated Master Plan on facilities renovation and construction (due – with President's FY06 Budget proposal; *FY05 Homeland Security Appropriations Act*)

Report by CIO on status of programs, projects and activity plans (due - February 8, 2005; *FY05 Homeland Security Appropriations Act*)

#### Pending Items (2)

Report on critical infrastructure vulnerabilities and risk assessments (due – June 17, 2005; *Sec. 7306, 2004 Intelligence Reform and Terrorism Prevention Act*)

Report identifying categories of federal facilities that DHS determines to be at risk for terrorist attack and requiring minimum identification standards for access (due – December 2005; *Sec. 7220, 2004 Intelligence Reform and Terrorism Prevention Act*)

#### No Due Date (1)

Report on Department's acquisitions during FY05 of materials, articles and supplies manufactured outside the U.S. (no due date; *FY05 Homeland Security Appropriations Act*)

### ***Management Issues***

#### Overdue Items (6)

Plan for ensuring the elimination of disparities in pay and benefits, especially among law enforcement personnel (due – February 25, 2002; *Sec. 881, Homeland Security Act of 2002*)

FY05 Future Year Homeland Security Plan (due – May, 2004; *Sec. 874, 2002 Homeland Security Act*)

Report on number of contract staff at DHS during FY04 and projected for FY05 (due – November 15, 2004; *FY05 Homeland Security Appropriations Act*)

DHS Detailee assignment report (due – January 10, 2005; *FY05 Homeland Security Appropriations Act*)

FY06 Future Year Homeland Security Plan (due – February 7, 2005; *Sec. 874, 2002 Homeland Security Act*)

Report by CFO on financial management overhaul (due - February 8, 2005; *FY05 Homeland Security Appropriations Act*)  
Pending Items (2)

Monthly financial reports (due – every month; *FY05 Homeland Security Appropriations Act*)

Report on Data-mining usage in DHS Programs by DHS Privacy Officer (due – 90 days after end of FY05; *FY05 Homeland Security Appropriations Act*)

### ***Border Security Issues***

#### Overdue items (17)

DOJ Report on the number of aliens certified by the Attorney General to be mandatorily detained; the grounds for such certifications; the race of the alien, the length of detention; and the number of aliens who were granted relief from removal, were removed, were no longer determined to be certified or were released from detention (due - May 2002, [and every six months thereafter], *Sec. 412, USA PATRIOT Act*)

Report identifying federal law enforcement and intelligence information needed by the DOS or INS for visa or admission admissibility (due – September 14, 2002; *Sec. 201, Enhanced Border Security and Visa Entry Reform Act of 2002*)

Annual report by DOJ on the number of aliens failing to appear for removal proceedings (due annually – January 15; *Sec. 605, Enhanced Border Security and Visa Entry Reform Act of 2002*)

Report by DOJ / DOS / NIST on actions necessary to fully achieve the implementation of biometric identifiable, machine-readable, tamper-resistant visas and other travel documents, and the installation of equipment and software at all U.S. ports of entry (due - November 14, 2002; *Sec. 303, Enhanced Border Security and Visa Entry Reform Act of 2002*)

Report on proposed division of funds and personnel between CIS and CBP/ICE (due - March 25, 2003; *Sec. 477, Homeland Security Act of 2002*)

Report on proposed division of fees between CIS and CBP/ICE (due - March 25, 2003; *Sec. 477, Homeland Security Act of 2002*)

Report on the implementation of the reorganization of the INS into CIS and Bureau of Border Security [now CBP and ICE] (due March 2003, September 2003, March 2004, September 2004, March 2005, and September 2005; *Sec. 477, Homeland Security Act of 2002*)

Report by DOS / DOJ (in consultation with Treasury Dept.) report that describes the development, implementation, efficacy, and privacy implications of the technology standard and database system (due – April 2003 [and every two years thereafter]; *Sec. 403, USA PATRIOT Act*)

Study of the Feasibility of a North American National Security Program (Due - May 2003; *Sec. 401, Enhanced Border Security and Visa Entry Reform Act of 2002*)

DOS / DOJ [INS, now DHS responsibility] report on alternative approaches for encouraging Canada, Mexico, and Visa Waiver Program countries to develop an intergovernmental network of interoperable electronic data systems (due – May 14, 2003; *Sec. 603, Enhanced Border Security and Visa Entry Reform Act of 2002*)

Report on sharing of information between border inspection agencies (due – May 25, 2003; *Sec. 427, Homeland Security Act of 2002*)

Report on status of ISIS and Remote Video Inspection System initiatives (due - July 7, 2003; *FY03 Consolidated Appropriations Act*)

Report on INS/DOS access to criminal history record data contained in the NCIC (due - October 26, 2003; *Sec. 403, USA PATRIOT Act*)

Report on Air and Marine Operations modernization plan (due – November 13, 2003; *FY04 Homeland Security Appropriations Act*)

Report on Customs and Border Protection staffing (due - December 1, 2003; *FY04 Homeland Security Appropriations Act*)

Report detailing how Bureau of Border Security [now CBP and ICE] will enforce all the enforcement provisions of the Immigration and Naturalization Act relating to such functions (due – January 24, 2004; *Sec. 445, Homeland Security Act of 2002*)

Report on the feasibility of requiring an electronic arrival and departure manifest for ground transportation and how such a requirement would enhance national security and facilitate legitimate travel and commerce (due - May 14, 2004; *Sec. 402, Enhanced Border Security and Visa Entry Reform Act of 2002*)

Report on status of IDENT/IAFIS interoperability project (due – January 18, 2005; *FY05 Homeland Security Appropriations Act*)

Report on continuing plan to use NM National Guard assets to support CBP, ICE missions – in coordination with Dept. of Defense (due – March 1, 2005; *FY05 Homeland Security Appropriations Act*)

Report on status of managerial rotation program within Bureau of Border Security [now CBP/ICE] (due – March 1, 2005; *Sec. 442, Homeland Security Act of 2002*)

Report on status of managerial rotation program within CIS (due – March 1, 2005; *Sec. 451, Homeland Security Act of 2002*)